

**REMARKS**

In response to the Office action, claims 1, 13 and 17 have been amended. Accordingly, claims 1, 3, 4, and 6-29 are currently pending.

Claims 1, 4, 6-29 have been rejected under 35 U.S.C. § 103(a), as being obvious in view of the combination of teachings of Sundman ('256) and Garuit-Lempirou ('803).

Claim 1 has been amended to recite the following feature:

...measuring surface coordinates of the undersurface detected by the at least one laser scanning unit by gathering data which directly correlates to accurate 2-dimensional distance measurements between the at least one laser scanning unit and the underside of the foot, wherein said data is not calibrated;

Claims 13 and 17 have been similarly amended to recite:

...means for gathering non-calibrated data which directly correlates to accurate 2-dimensional distance measurement...

As pointed out by the Examiner on page 6 of the Office Action, the data points measured or scanned in the Garuet-Lempirou reference require calibration due to the deformation of the laser beams as they pass through the non- plane transparent wall. A review of the remainder of Garuet-Lempirou reveals that the patentee provides no guidance to modify those teachings mentioned above to perform a scanning requiring no calibration of the scanned foot. Therefore, the combination of teachings of Sundman ('256) and Garuit-Lempirou ('803) does not teach each and every feature of the claimed invention, and, further, does not provide one of ordinary skill in the prior art a suggestion to modify the teachings of Garuit-Lempirou to perform no calibration of the measured coordinates. Consequently, a prima facie case of obviousness is not present, and the rejections of claims 1, 4, and 6-29 should be withdrawn.

Claim 3 has been rejected under 35 U.S.C. § 103(a), as being obvious in view of the combination of teachings of Sundman ('256) and Garuit-Lempirou ('803) and further in view of Applicant's admission of prior art.

Applicants respectfully submit that the AAPA reference does not cure the deficiencies of Garuit-Lempirou and/or Sundman.


While the present application is believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this

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application can thereby be expedited.

Based on the foregoing, Applicants submit that the application is in condition for allowance, and a notice of allowance is earnestly sought.

Respectfully submitted,

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